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# The Making of Law

Driving Privilege Cards for Undocumented Residents in Delaware

## Victory!

It has been 20 years since the last time the legislators of Delaware seized the issue of providing Driving Privilege Cards to undocumented residents. On June 30, thirty minutes after the law passed at the House at 9:05 p.m., Governor Jack Markell signed it into law, effective in six months.

These are some of the highlights that contributed to the making of this historic moment.



## Governor Jack Markell signed Senate Bill 59 into Law

The Driving Privilege Cards issue was a priority at the Delaware Hispanic Commission (DHC) Agenda since Javier Torrijos became the Chairman in 2010. Further surveys taken among the community and Community Conversations statewide organized by the DHC Community Social Justice Subcommittee for the Latino Summit in 2014 probed, indeed, this was still the number one concern raised by grassroots.

### Victory days

Senate Public Safety & Full Senate

**June 10 & June 23**

Rally, and two Hearings.

House Public Safety Hearing

**June 25**

Reps. Briggs-King and Smyk questioned the bill.

Full House Vote

**June 30**

22 votes yes; 15 votes no.



## Creating public safety

**Immigrants of all nationalities and all walks of life participated in making their priority issue into law of the land**

### Leadership take the reins

In between these years, Darlene Battle, who is the Executive Director of the Delaware Alliance for Community Empowerment (DACA), created in 2013 the Coalition United for Safer Roads for All Delawareans (The Coalition), to lead the efforts of the campaign.

### The community gets involved

She reached out to the advocacy group of the Latin American Community Center (LACC) to invite them to be part of it, along with the Delaware Hispanic Commission (DHC). From the start, the Coalition organized a survey to be taken at statewide level.

### Voices were heard

More than one thousand responders were surveyed to test if they would still apply for the Driving Privilege Card if the law would require fingerprints. Results showed more than half of those surveyed rather apply for driving cards with fingerprints as a requirement, than opt for not having a way to drive legally. Later on, the Coalition would play a key role in the legislative process leading the yearlong campaign. At that point, fifty other Delaware organizations signed to support this undertaken.

### A legislature Task Force is created

In 2014 to 2015, Senator Bryan Townsend got involved. At the request of the DHC, the legislature created the Undocumented Safety and Insurance Driving Task Force with 25 members representing a diverse spectrum of sectors in society, led by Senator Bryan Townsend, and State Representatives Helene Keeley and Joe Miró.





## The Task Force studied the issues surrounding the legislation on driving cards

Other legislators involved were Robert Marshall and Bryan Pettyjohn. Some of the participants were Darlene Battle, representing the Coalition; Javier Torrijos and Charito Calvachi-Mateyko, members of the DHC; advocates from LACC, La Esperanza, the Hispanic Chambers of Commerce, Homeland Security, the Car Insurance industry, Law Enforcement and more. Among them also was Jennifer Cohen, at that time Director of the Division of Motor Vehicles, who is currently the head of the Department of Transportation. She was member of the DHC and Chair of the Transportation Subcommittee from DHC. The Task Force delivered for six months.

The recommendation of the Task Force was to propose legislation for Driving Privilege Cards for the immigrant community without

documents. The point of contingency became the issue of fingerprints. Even though any of the 13 states and the District of Columbia that provided driving cards for the immigrant community included fingerprints on the legislation, Law enforcement officials and the political forces of Delaware were determined to include it as a requisite. They argued that fingerprints would allow identifying undocumented immigrants who have committed a crime in another state, and have come to Delaware to hide from it.

According to them, the Tax Identification Number based on birth certificates or passports, also included in the law, would not suffice as credible verification. This meant fingerprints would have to be submitted to the federal government.



## A note about Legislators

*Senator Bryan Townsend deserves our deepest gratitude. He handled all the details with diplomacy and great dedication. Senator Robert Marshall also deserves recognition. Thanks to his amendment, the fingerprints requirement will be evaluated by the Task Force later. Additionally, the presence of two Latino legislators showed a change in the shape of the legislative body. Representative Joe Miro from New Castle, of Cuban origin, and Ernesto Lopez from Sussex County, of Puerto Rican origin, supported the bill. Both belong to the Republican party. Rep. Miro was one of the Co-Sponsors from the start. He also was part of the Undocumented Safety and Insurance Motorist Task Force. Senator Lopez met with members of the community grassroots in 2014 and later decided to vote yes for SB59.*

## Having faith in the process

### A point of concern

This would have opened the door for the Immigration Services from Homeland Security to identify and know the whereabouts of the undocumented residents in Delaware. A good number of legislators are former law enforcement officials, thus the law enforcement requirement resonated with them.



### A taught decision

As leaders representing the community in this process, hard as it was, the DHC leadership decided to move forward, so that this issue would be discussed at the legislature and not die before was even proposed. Senator Bryan Townsend wrote the legislation. Darlene Battle from the Coalition led the political effort in behalf of this legislation of what became SB 59.

### Gaining political power

At this point, fifty other Delaware organizations signed to support this undertaken. A MoveOn.org petition was created and 577 signatures were received; The Coalition website petition got 138 supporters; the hard copy petition received more than 300 signatures. Sonia Rivera was one of the community volunteers who on her own got around 80 signatures on paper petitions.



### Petition's signatures were their voice

Latinos of all walks of life came forward to support the legislation, as well as European and Asian immigrants. Countless community members call their legislators and made appointments with them. The DHC reached out to all Senators and State Representatives either in person, over the phone and by e-mail.

## Darlene Battle brought political expertize and participated in every step of the process

Once the legislative process started, there were four victories that we needed to win. From the first Senate Public Safety Committee, where the hearing room was packed to standing room only level with all the interested immigrants, to the final vote in the full House on June 30, where the balcony was full with immigrant's families, community support was present, and each steps resulted in favor of the SB59 bill.

On the crucial day, members of the Latino community filled the balcony since 1:00 pm. Their well-behaved children, ranging from 17 years old to 1 year-olds, as it turned out, twisted the fate of the bill for the better. They pushed up the bill to victory.

Senate Bill 59 was number 24 in the voting list. Senator Townsend, concerned for the long hours the children have already spent waiting at the time he meet the community at 6:45 pm., suggested the House leadership to reconsider the bill order. The House leadership voted SB 59 third on the list.

SB 59 passed with 22 votes to 15. Among the districts with higher representation of Latino immigrants, Representative Peter Schwartzkopf (Democrat, District 14, Rehoboth) voted Yes. Representative Ruth Briggs-King (Republican, District 27, Georgetown) and Stephen T. Smyk (Republican, District 20, Milton/Lewes) voted No. Briggs-King argued she was sworn under the Constitution to obey the law. Right after the signing, the Latino children attending requested to sing the National Anthem with Governor Markell. The Governor used two pens to sign the bill. He gave one to Senator Townsend and one to Representative Keeley. They in return gave one to Javier Torrijos and the other to Charito Calvachi-Mateyko.

The support and the experience of Darlene Battle keep the outreach of the community with information in every step. The leadership of Javier Torrijos always pointed to greater understandings and higher possibilities. The Hispanic media play a critical role. *La Exitosa Radio* in Milford recorded information to be repeated several times during the week to invite the community to attend the Hearings. People who listen the information were able to come to the Rally and Hearing. *Hoy in Delaware* and *El Tiempo Hispano*, as well as *Hispanic Delaware* magazine published several articles informing about the events related to The Driving Privilege Card legislation. *La Z MX Radio* in Wilmington, and *Maxima 900 Radio* in Georgetown invited the leadership of the DHC to be interviewed in several occasions allowing the community have first-hand access to information surrounded the Driving Card bill.

Civil society, represented in various non-profit organizations provided their volunteers to assist in the effort: Sussex Unity, LACC, La Esperanza, DACA, Casa de Maryland, as well as religious organizations such as St. John's Catholic of Milford, St. Michael of Georgetown, Limestone Presbyterian of Wilmington, COPAD of Dover and Catholic Church dioceses of Wilmington.

The work to be done from now until January 2016 by the community is to understand all the requirements. Applicants need to study to pass the written, road and eye tests, get fingerprints and buy car insurance, if they have already pay taxes and have been residents of Delaware for two years.

The DHC will provide the Latino/Hispanic commission and other immigrants with information that they will gather from meetings with police and administrators of DMV.

# Recommendations:

1. Do not pay any amount of dollars to any person who may promise to do the paperwork for them. The Immigrant community in Delaware will receive plenty information. Classes on the Driving Manual will be provided for free at churches by a Nonprofit organization to prepare them to pass the test and help them to understand the documentation required.
2. Ask your churches to contact DACA at 302-588-1782 to set up for driving education free classes.
3. Send questions in Spanish: [charitocw@aol.com](mailto:charitocw@aol.com) or in English to [dbattle@delaca.org](mailto:dbattle@delaca.org).



## Victory!

Delaware Hispanic Commission

<http://hispanic.delaware.gov>

